

REMARKS

The above amendments and following remarks are responsive to the non-final Office Action mailed June 7, 2005. Upon entry of the above amendments, Claims 1 and 5-7 will have been amended, Claims 2-6 will have been canceled, Claims 25-28 will have been added, and Claims 1, 5-7, and 8-28 will be pending. No new matter has been introduced by these amendments. Entry and reconsideration are respectfully requested.

Response to the Objection to the Specification

The Examiner has objected to the specification on the basis of various informalities identified by the Examiner.

Applicant has amended the specification to overcome the identified informalities and obviate the objection.

Accordingly, the objection to the specification is now moot and should be withdrawn.

Response to the Objection to the Claims

The Examiner has objected to Claims 1, 14, 16, 18, 19, and 24 on the basis of various informalities identified by the Examiner.

Applicant has amended these claims to correct for the identified informalities and obviate the objection.

Accordingly, the objection to these claims is now moot and should be withdrawn.

Response to the Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 1, 3, 4, and 6 have been rejected under 35 U.S.C. § 112, second paragraph, “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended each of these claims in view of the points raised by the Examiner to obviate this rejection.

Accordingly, the rejection under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Response to the Rejections under 35 U.S.C. § 102(b)

Claims 1-5 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over US Patent 4,475,148 to Tomforde (“Tomforde”). Claims 1, 11-17, and 19 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over US Patent Application Publication No. 2001/0022729 to Maeda (“Maeda”). Claims 1 and 24 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over US Patent 4,213,644 to Scrivo et al. (“Scrivo”). Applicant traverses these rejections.

Claim 1 has been amended, inter alia, to include the subject matter introduced in original dependent Claim 4 and thus, recites a motor vehicle headlight including a frangible means of linking the headlight casing to the chassis of a motor vehicle,

“wherein the linking means comprises a succession of predetermined rupture zones capable of breaking successively during an impact suffered by the headlight, said zones being in particular adjacent to one another.”

The Examiner urges that the “elastic support 7”, as shown in Figure 7 of Tomforde, in effect, reads on the “frangible means”, as recited in Applicant’s Claim 1. Contrary to the

Examiner's position, no where is it seen within the teaching of Tomforde, where Tomforde teaches or suggests a "elastic support 7" is (1) "frangible" and (2) "comprises a succession of predetermined rupture zones capable of breaking successively during an impact suffered by the headlight." Tomforde, at Column 2, Lines 1-5, and Column 3, Lines 1-5, respectively, disclose that:

 "[i]n accordance with the present invention, an elastic support is disposed between a rear edge of the cover plate and a front edge of the hood and/or fender of the motor vehicle thereby resulting in a targeted resilience to an impact load upon the light unit", and

 "[t]he elastic support 7 is attached to the cross frame between a rear edge 11 of the cover plate 9 and a front edge 12 of the hood 13 or fender 14 of the vehicle. The elastic support is provided with several hollow chambers 16.

In addition the above passages, Claim 1 of Tomforde having a means for mounting that includes an elastic means for elastically supporting a second portion of the housing means relative to the vehicle. No where here, does Tomforde teach or suggest that the "elastic support 7" is frangible, as recited in Applicant's Claim 1. Tomforde not teach or suggest that the "chambers 16" are designed to break in carrying out their disclosed function during an impact to "largely prevent bodily injury to a pedestrian or cyclist". Furthermore, Tomforde does not teach or suggest that the "chambers 16" are capable of breaking and/or may do so, in order prevent such bodily injury to a pedestrian or cyclist. As such, the subject matter of Claim 1 is distinguished over the disclosure of Tomforde. Newly added independent Claims 27 and 28 include limitations consistent with those discussed above with respect to Claim 1, and therefore likewise distinguished over Tomforde. Dependent Claim 5, as well as dependent Claims 6, 11-26, which are dependent upon Claim 1, are also distinguished over Tomforde for at least the same reasons discussed above with respect to base Claim 1.

By virtue of the above amendments to Claim 1, i.e., the limitations of original dependent Claim 4 introduced in Claim 1, Claim 1 is distinguished over each of the references to Maeda and Scrivo. The Examiner did not reject original Claim 1 over either of the references to Meade or Scrivo. As such, independent Claim 1, as well as all claims dependent thereon, are distinguished over Maeda and Scrivo. Newly Claims 27 and 28, which, subject matter is consistent with the amendments to Claim 1, are likewise distinguished over Maede and Scrivo.

Accordingly, the rejections under 35 U.S.C. § 102 should be withdrawn.

Response to the Rejections under 35 U.S.C. § 103(a)

Claims 18 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Maeda, as applied to Claim 14, and further in view of US Patent 4,475,148 to Tomforde. Claims 21-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomforde. Applicant traverses these rejections.

The Examiner acknowledges that the Maede and Tomforde references do not teach each feature of the subject matter recited in these claims, and attempts to rely on Tomforde, either alone or in combination with Maede, to remedy the deficiencies thereof. Notwithstanding the acknowledged differences, Claims 18 and 20-23, which depend from Claim 1, are distinguished over Maede and Tomforde, either lone or in combination, for at least the same reasons as discussed above with respect to Claim 1. No where is it seen, within Tomforde, either as a primary or secondary teaching, where Tomforde teaches, suggests, or would otherwise have motivated one of ordinary skill in the art, at the time the invention was made, to modify Maede or Tomforde itself, as suggested by the Examiner. As such, the subject matter recited in Claims 18 and 20-23 is distinguished over Maede and Tomforde, either alone or in combination.

Accordingly, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

Response to the Objection of the Drawings

The drawings continue to be objected to on the basis that the drawings “do not include the following reference sign(s) mentioned in the description:

On page 12, line 24, and page 13, line 1, reference numerals ‘316c’ and ‘316d’ are not in the drawings.”

The Examiner has indicated that despite Applicants’ indication that corrected drawings accompanied Applicants’ December 12, 2004 Amendment, “the current IFW file does not have a copy of the Replacement drawings sheets.” Applicants, in response to the Examiner’s comments, have reviewed the Image File Wrapper (IFW) available through Private PAIR via the United States Patent and Trademark Office Internet website” and urge that the December 27, 2004 Replacement drawing sheets are now available at this time. For the Examiner’s convenience, a copy of the December 27, 2004 Replacement drawing sheets containing amended Figures 3A, 3B, 4A, and 4B and obtained through Private PAIR are attached hereto as Exhibit A. As such, Applicants request that the objection to the drawings be withdrawn.

Notwithstanding the above discussion and attached documentary evidence, Applicants have amended Figures 3A, 3B, 4A, and 4B to include reference numerals 316c and 316d. As referred to on Page 7 of this Amendment and Request for Reconsideration, the attached amended drawing sheets replace original Figure 3A, 3B, 4A, and 4B.

Accordingly, the objection to the drawings is now moot and should be withdrawn.

Allowable Subject Matter

Claims 7-10 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended Claim 7 to include all of the limitations of base Claim 1 and intervening Claims 2-4. As such, amended Claim 7, as well as dependent Claims 8-10, should not be allowed by the Examiner. As discussed above, Applicant also believe that independent Claims 1, 27, and 28, as well as all claims dependent thereon, are also in condition for allowance.

CONCLUSION

Applicant respectfully submits that Claims 1, 5-7, and 8-28 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for filing this response to restriction requirement to Deposit Account No. 13-4500, Order No. 1948-4816.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

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By: _____


Brian W. Brown

Registration No. 47,265

(202) 857-7887 Telephone

(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.

Three World Financial Center

New York, New York 10281-2101

(212) 415-8700 Telephone

(212) 415-8701 Facsimile

AMENDMENTS TO THE DRAWINGS

The attached drawing sheet 7/7, containing Figures 14-16, includes changes to Figures 14 and 16. This sheet 7/7 replaces original Figures 14-16.

Attachment: Replacement sheet 7/7 containing amended Figures 14-17.